

May 11, 2004

Mono County
Planning Division
Attn: Mr. Larry Johnston
437 Old Mammoth Road, Suite P
Mammoth Lakes, CA 93546

RE: Rodeo Grounds Specific Plan
Environmental Impact Report/Environmental Assessment

Dear Mr. Johnston:

Thank you for the opportunity to submit comments during the scoping period for the Environmental Impact Report/Environmental Assessment (EIR/EA) for the above referenced project. It would appear that a development of this scale in a town as small as June Lake will trigger impacts usually associated with developing a new small town considering the infrastructure improvements that must be made to accommodate the proposal. My comments are as follows:

Studies and Mitigations

Although difficult within the scope of Specific Plan review, please keep in mind that the County must resolve uncertainties of a project's environmental impacts as the whole of the project under the California Environmental Quality Act (CEQA). Additionally, studies and subsequent mitigation cannot be put off until after the decision on the project has been made. Impacts associated with the development must be studied and identified, and cannot be put off to a future date. See *Sundstrom v. County of Mendocino*.

Adoption of mitigation measures recommended in a future study is in direct conflict with the guidelines implementing CEQA. California Administrative Code, title 14, section 15070, subdivision (b)(1). A study conducted after approval of a project will inevitably have a diminished influence on decision making. Also, under CEQA, the EIR or negative declaration must be prepared "directly by, or under contract to" the lead agency. (Pub.Resources Code § 21082.1.).

Alternatives

Please see *Citizens of Goleta Valley v. Hyatt Corporation*. Consideration of alternatives is required by CEQA. The range of alternatives is governed by the "rule of reason," which requires only an analysis of those alternatives necessary to permit a reasoned choice. An EIR need not consider an alternative, the effect of which cannot be reasonably ascertained and the implementation of which is remote and speculative. Two California appellate court decisions have involved the question as to whether failure to consider an alternate site as an alternative was reasonable.

City of Lomita v. City of Torrance (1983) 148 Cal.App.3d 1062, 1069-1070, 196 Cal.Rptr. 538, rejected claims that an EIR on a master plan was insufficient because it failed to include, as an alternative, relocation of an airport to an alternate site. Applying a reasonableness standard, the court noted that the petitioners failed to explain how the alternative was reasonable or how it could feasibly attain the basic objectives of the project. This decision, in effect, placed the burden of proof upon the objector, a concept that is questionable. CEQA requires that governmental agencies consider reasonable alternatives. It is not limited to alternatives proposed and justified by objectors.

The other decision (*San Bernardino Valley Audubon Society, Inc. v. County of San Bernardino (1984) 155 Cal.App.3d 738, 202 Cal.Rptr. 423*) involved a proposed public cemetery consisting of 19,600 grave sites to be privately developed on 14 acres of land zoned for agriculture and designated by the general plan for residential development. The EIR stated that the Forest Service, in conjunction with the Nature Conservancy, had purchased nearby property to preserve sensitive plant habitat, and that the Forest Service desired to acquire the property proposed for the cemetery by trading Forest Service property of less biological and archaeological sensitivity. The report did not discuss the attributes of the alternate site or why it would or would not be a feasible alternative. The EIR was held to be inadequate.

It is necessary to craft the objectives of the project and consider a reasonable range of alternatives in light of the objectives. However, the objectives should not be so narrowly crafted to render only a narrow range of alternatives. For example, although the Intrawest Corporation does not own or have control over land holdings in the Lee Vining area, a redevelopment plan for the town of Lee Vining would serve to meet the objectives of providing year-round recreational opportunities for the public as gateway to **both** Yosemite National Park **and** the June Lake area, AND reduce primary and secondary impacts associated with the proposed Rodeo Ground Specific Plan. Lee Vining has significant infrastructure in place (4-lane Highway 395, developed urban area, adequate water and septic capability, etc.). Transportation to the June Lake and Mammoth ski areas could be accomplished via hybrid or electric busses and thus reduce traffic impacts in the area. The alternative may not be consistent with the June Lake June Lake 2010: June Lake Area Plan, but may be consistent with the County's redevelopment plan for Lee Vining. If such alternatives are considered infeasible, it must be adequately explained.

The following are my comments associated with CEQA issues based on the Rodeo Grounds Specific Plan provided by Mono County on the web.

In General...

The scoping notice neglected to include the zoning designation and permit application required by the County of Mono. Is this only for the Specific Plan? Does it involve a development plan? Tract Map? Please include the zoning and land use approvals required in future notices.

If an Initial Study was prepared, it also should be posted on the web to focus our comments and make them more useful to the Mono County planners while developing the EIR/EA.

Air Quality

Recently it was publicized that many areas in California do not meet air quality standards, the Sierra Nevada region being one of those areas. Please evaluate the project in light of the air quality impacts associated with the grading and construction of the project, the increase in traffic associated with the project, exceedences of air quality thresholds, consistency with the current air quality plan, and identify and analyze cumulative impacts associated with the impacts to air quality. The EIR should be coordinated with the local APCD.

Biological Resources

The project will have significant impacts to biological resources. Direct and indirect impacts on plants and wildlife, including habitat modification or destruction, disruption or elimination of wildlife migration routes, or direct mortality through increased human/wildlife interactions (associated with increased traffic on roads resulting in wildlife mortality, introduction of exotic plant and animal species, availability of trash as an attractive nuisance resulting in relocation or depredation of bears-similar to the Town of Mammoth Lakes, increased likely of humans with predators – i.e. mountain lion and associated wildlife mortality) should be addressed and mitigation required.

The Specific Plan is written with non-specific language requiring retention of native vegetation in setbacks and buffer areas. In some places it requires retention of trees and native vegetation *to the extent feasible*. It is important who or what agencies will make the determination of feasibility to retain trees, if trees and shrubs are disease ridden and require removal, etc. Leaving the mitigation unspecified does not mitigate the impact, nor does it meet the purpose or requirements of mitigation under CEQA.

Early consultation on the project with responsible and interested agencies should be accomplished in accordance with CEQA. The U.S. Army Corps of Engineers and California Regional Water Quality Control Board should be contacted to address impacts to wetlands and waters of the U.S. (including increases in surface water withdrawals) Under Section 404 of the Clean Water Act. The California Department of Fish and Game and U.S. Fish and Wildlife Service should be contacted to identify threatened and endangered species that would be potentially on site and to determine impacts and permitting, if required, under the State and Federal Endangered Species Acts is necessary.

Finally, cumulative impacts to biological resources should be evaluated in light of the planned, proposed or currently constructed projects in the Mammoth Lakes-June Lake-Lee Vining-Yosemite National Park region of the Eastern Sierras.

Cultural Resources

The Specific Plan materials published on the web made no mention that potential cultural resources on the project site had been explored. A cultural resource site evaluation should be conducted to determine if there are known cultural resource sites within the development area or may be impacted by infrastructure improvements or determine if there is potential to discover new cultural resource sites.

Geology and Soils

The EIR/EA requires identification of and measures to mitigate development on the highly erosive soils of the June Lake area. This region of the Eastern Sierra is well known for seismic and volcanic activity in the area and the EIR/EA should evaluate potential impacts to the proposed development including requirements for secondary access routes similar to the “Scenic Loop Road” from Mammoth Lakes.

Hazards and Hazardous Materials

The Specific Plan makes mention of hazardous areas with the area of the proposed development, but goes on to say that if those hazards are encountered, development will be “engineered” to reduce impacts. The implication being that secondary impacts may result from the engineering of hazards (i.e. excavating a landslide to the angle of repose would encompass a larger disturbance area than if the structure being developed were relocated to a more appropriate and safer area). This would be considered a significant impact. Requiring mitigation to avoid hazards would reduce impacts and also serve to reduce the costs to Mono County during times of emergency (i.e. landslide or avalanche).

The Specific Plan also notes that a Southern California Substation and associated power lines are located in or adjacent to the proposed development. Impacts due to electromagnetic radiation on the potential residences should be evaluated and setbacks from the sources of the radiation required. Secondarily, are there any hazardous materials or hazardous wastes associated with the substation operations (i.e. PCBs)?

Increases of Hazardous Materials such as propane to serve the proposed development should be evaluated. The type of service to provide the Specific Plan area with propane should be identified and if necessary, a location for tanks to serve the Specific Plan development identified. The potential for explosion and setbacks from residential and commercial areas should be identified as mitigation and secondary emergency ingress and egress routes also identified. Increasing the Hazardous Materials exposure of the citizens of June Lake would be considered a potentially significant impact.

The Fire Protection Plan compares the needs of this area to Lake Las Vegas and Solitude in Utah; however conditions here in the Eastern Sierra are quite different. The Specific Plan would be developed in an area of high (and some years extreme) fire danger. The Fire Protection Plan posted on the web for the Specific Plan identified the maximum height of structure in the resort center (90 feet) and 60 feet in other portions of the site.

In addition, the Fire Protection Plan identifies that the June Lake Fire Protection District (JLFPD) is trying to develop a fire station down canyon of the development. However, the JLFPD would have a Fire Chief, but fire fighters would continue to be volunteers. The Fire Protection Plan also notes that the number of volunteers has been reduced in recent years. It is not reasonable to assume that a pool of volunteers would result from the type of development proposed under the Specific Plan. In Santa Barbara County, real estate prices are so high our emergency response personnel reside in Ventura or Lompoc, 30 minutes to 1 hour away from their duty stations. Under the development associated with the Specific Plan, the majority of the residences will cater to high-end purchasers and a similar situation would arise for June Lake

It is unreasonable to assume that the developer, even with development fees, would continue to fund the second fire station in perpetuity. It should be required as a mitigation measure. For example in Santa Barbara County, Chevron Oil Company funded a County Fire Station as mitigation for an oil and gas processing plant. The fire station allowed many rural residents to come within the 5-minute response time for firefighters when responding to emergencies. However, once Chevron shutdown the facility, the County did not have funds to continue operation of the station. Many rural residents in that part of the County are now at risk during emergencies.

Secondly, to fight fires that may occur in the structures of up to 90 feet in height will require firefighters with specific training to handle such emergencies. This is not only necessary for the public's safety, but for their own safety to navigate in these tall structures during emergencies. In addition, special urban-type fire equipment (i.e. ladder truck) may be required to reduce impacts to public health and safety.

A mitigation measure should be required to require the detailed Fire Protection Plan prior to approval to be reviewed and approved jointly by the JLFPD, Mono County, the U.S. Forest Service and BLM then form an assessment district to fund the necessary services, including formation of a fire protection district, with dedicated personnel, training, and equipment arising from the Specific Plan impacts **in perpetuity**.

Increases in requirements for wildland fire suppression following the fires of 2003 in Southern California will likely require a greater area of vegetation removal or reduction around structures, thus resulting in increased biological and hydrological impacts. The design guidelines do not appear to meet the fire code requirements for brush clearance.

Hydrology and Water Quality

Water withdrawals from the watershed should also be more thoroughly evaluated. The Drainage Report for the Rodeo Grounds (January 2004) is based data from the Mammoth Lakes area and assumes that June Lake receives less precipitation (Page 1). Yet the Utility System Summary relies on data a water assessment study done on April 1981 (page 2 of 5). This data is over 20 years old and requires updating with data from the June Lake area. Climatic changes and increases in groundwater withdrawals over the past 20 years require consideration in the assumptions for the water withdrawals and

impact assessment. In any case, the assumptions must be consistent throughout the analysis for the EIR.

All infrastructure (water lines, sewer lines, gas and telephone) should be required to be “shadowed”, or installed concurrently to avoid repetitive disturbance.

The increase in the amount of impervious surfaces and associated increases in storm water runoff require analysis. Installation of drainage control devices such as detention/retention basins should be required by the developer, as they tend to be lost, ignored or imposed when the last parcel is developed. In general, require what needs to be done up front by the developer, as infrastructure and the mechanisms to put them in place tend to get lost, ignored or out of order on the last person developing in the project, with coincident legal battles.

June Lake typically has a ski season 1 to 2 months shorter than Mammoth Lakes. Secondary impacts on water resources resulting from potential increases in artificial snow-making at June Mountain to extend the season should be evaluated. Pressure from this high-end type of development will exert pressure to extend the ski season as long as possible.

The proposed development is adjacent to Reversed Creek, the primary waterway that connects Gull Lake with Silver Lake and other waters and wetlands in the lower watershed. Impacts due to increases in pollution sources (i.e. parking lots runoff) would increase with the proposed development and be considered a significant impact. Any disturbance to Reversed Creek or adjacent wetlands for drainage outfalls, water clarifiers, etc. requires coordination with the United States Army Corps of Engineers, California Regional Water Quality Control Board and the California Department of Fish and Game.

Land Use

The land for the proposed project is zoned for a Specific Plan with 90 residential units. I understand this was done through the June Lake Specific Plan in 1991 and covers a 15-year planning horizon. Approximately 2 years remain of the planning horizon. Conditions have changed drastically over the past decade in the Sierras. These changes may not have been anticipated by the June Lake Specific Plan in 1991.

The County of Mono is not required to allow the highest and best use under current zoning although identified in the Specific Plan. The size of the development or structures within the development may be reduced depending on specific site conditions. More open space may be appropriate to facilitate wildlife migration. A number of issue areas appear to have the potential for significant impacts; therefore, the County may want to consider a smaller or reduced project on the parcels as an alternative(s).

Noise

Please evaluate noise impacts both in the short term construction phase and the long term operational phase. Ambient noise levels will be substantially increased. Noise from deliveries and services associated with the resort as well as noise generated by increased traffic should be evaluated.

Population and Housing

As mentioned before, the proposed development will substantially increase population growth in the area with associated need for utilities and public services. The affordable housing proposed by the development would not likely fulfill the need for people to serve the development or satisfy the increases in public services. Secondary impacts may result to the surrounding communities such as Lee Vining.

Also see comments under Hazards and Hazardous Material regarding service personnel.

Public Services

See previous comments under Hazards and Hazardous Material regarding service personnel.

Recreation

The proposed development would not likely result in a demand for additional park facilities, but will have a detrimental effect on the surround National Forest Lands. The ability to conduct controlled burning to remove the understory and reduce fire hazard will become more constrained. The surrounding Forest will become choked with undersized trees that compete for resources as the areas around Twin Lakes, Lake George, Mamie and Mary in the Lakes Basin above Twin Lakes.

Trails would experience over-use as exhibited in the Lakes Basin above Mammoth Lakes. These would be considered significant recreational impacts. Mitigation measures should include an endowment in cooperation with the Forest Service and possibly the Eastern Sierra Land Trust to maintain the trail system in the June Lakes basin.

Transportation and Traffic

The highway system into June Lake is inadequate to support the proposed development. The increase of the number and types of vehicles requires study. The influx of additional passenger vehicles, delivery trucks, busses (running from Mammoth Lakes to June Lakes) will increase the traffic mix and volume. This would be considered a significant impact.

Any proposal or mitigation to widen or improve the road would also have secondary impacts and requires study as part of the proposed development. It cannot be deferred to a later date.

Utilities and Service Systems

It appears from the information published on the web that all service systems require upgrades to accommodate the proposed development. All impacts, including secondary impacts require analysis as part of the proposed project and cannot be deferred.

In conclusion, the proposed development will introduce population and factions into an area ill-suited to such large scale development. Impacts will be significant in many issue areas. The proposed project will also have abundant secondary impacts that must be taken into consideration as the whole of the project under CEQA.

Thank you for the opportunity to provide comments at this early stage of the proposed Rodeo Grounds Specific Plan Development. Should you require clarification of any of these comments, please contact me at (805) 963-5420. Also, please provide a copy of the entire Draft EIR including technical studies/appendices to the following address when they become available for public review.

Sincerely,

Kathy Kefauver
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Santa Barbara, CA 93101
(805) 963-5429

cc: Mono Lake Committee
Sierra Club, Range of Light
Eastern Sierra Land Trust